



MONTANA SANITATION STANDARDS FOR TATTOOING - PERMANENT MAKEUP BODY PIERCING

Questions and Answers

Q *Is a license required for a Tattoo operation in Montana?*

A The Montana Department of Public Health & Human Services (DPHHS) began enforcing sanitation standards for tattoo facilities in 1997 as a result of legislation requiring the creation, adoption and enforcement of such standards. Senate Bill 137 was passed in 2005 requiring licensing of tattooing and body piercing establishments, to go into effect on January 1, 2006. Although obtaining a license is not required until January 1, 2006, all tattoo operations must be certified by DPHHS as complying with the sanitation and health standards. A local health department may require licensing--such as Billings/Yellowstone County and Big Horn County Health Departments have done. They regulate tattooing operations locally, using state standards. In all other parts of the state, the state

“compliance certificate” is what is required.

Q ***Is a license or compliance certificate required for persons doing Body Piercing?***

A A license will be required beginning January 1, 2006. Contact DPHHS for more information (see below).

Q ***Can a Tattoo Operator (or someone else) tattoo a child without consent of the parents?***

A No. Tattooing can legally be done only on someone who is 18 years of age, or who has the explicit in-person consent of a parent or guardian. A fake I.D. or driver's license is not sufficient for proving parenthood or guardianship. In-person consent is required if the child is under 18. For greater detail on this issue, check out the statute (state law) on the matter. It is Section 45-5-623 of the Montana Codes Annotated, titled UNLAWFUL TRANSACTIONS WITH CHILDREN.

Q ***May someone perform a body piercing on a child without consent of the parents?***

A No. Just like tattooing, body piercing can legally be done only on someone who is 18 years of age, or who has the explicit in-person consent of a parent or guardian. A fake I.D. or driver's license is not sufficient for proving parenthood or guardianship. In-person consent is required if the child is under 18. For greater detail on this issue, check out the statute (state law) which was ammended in 2005 to include body piercing. It is Section 45-5-623 of the Montana Codes Annotated, titled UNLAWFUL TRANSACTIONS WITH CHILDREN.

Q ***If I get a tattoo, is there a danger of contracting hepatitis B, or C or HIV (the AIDS virus)?***

A The risk is very small. Professional tattoo artists like health care workers or laboratory workers can sometimes carry these viruses. Usually they do not, but a small percentage are positive for hepatitis

B, C or HIV. However, even if the artist is a carrier, you are unlikely to become infected. In order for this to happen, the artist must accidentally stick themselves, and proceed to do the tattoo in spite of the needle stick. Artists are aware of this risk to both the client and to themselves, and are trained to stop at the point of an accidental needle stick and to replace the needle, and re-glove. These procedures are part of the training that all tattooists are required to have. Most artists are vaccinated against Hepatitis B.

For the tattooist, the risk is somewhat higher. They deal with many clients over time and almost certainly, some of their clients are infected with a blood borne disease. So if they are working on a client who is infected, and an accidental needle-stick occurs, the risk goes up dramatically.

Hepatitis B is highly infectious. The virus is more easily transmitted via needle stick than the AIDS virus. Still, hepatitis B transmission via tattooing is extremely rare.

Q *What percentage of the population carries the hepatitis B virus?*

A In the general population about 3 persons in 1000 are infected or have been infected. The incidence is higher among certain high risk groups such as male homosexuals, IV drug abusers, infants born to infected mothers, persons with unusually high number of sexual contacts, former prison inmates, infants and children of immigrants from high endemic areas such as SE Asia, hemodialysis patients and health care workers.

Q *Are there any confirmed reports of Hepatitis B being transmitted by tattooing in recent years?*

A There are no reports of hepatitis B being transmitted by professional tattooists in the last 15 years. In New York in 1960, an outbreak of 30 cases was attributed to tattooing with poorly sterilized instruments and contaminated pigment. There have also been several clusters of cases of hepatitis B and HIV transmission in prison settings where inmates tattooed each other without benefit of proper sterilization.

Q *Are there any confirmed reports of hepatitis C being*

transmitted by tattooing in recent years?

A Yes. There was one such case in 1990, and a cluster of several cases of hepatitis C, which were attributed to tattooing by an infected tattooist in 1998. Also, a recent study in Texas has attributed a large number of cases in that area to tattooing. Their study, in northern Texas, showed a higher rate of hepatitis C among persons who had been tattooed. The study did not indicate how many of the tattooists doing the work were carriers of the virus, or whether the state of Texas had any minimum competency or sanitation standards being enforced in that area. If only one or 2 tattooists in that region (North Texas) were infected with Hepatitis C and were using unsafe procedures, that could account for the increased incidence. In Montana, and other states, very few cases of Hepatitis C have been attributed to tattooing. However, the U. S. Center for Disease Control is reinvestigating this matter as a result of that report.

Q ***Is there any record of either a tattooist contracting HIV from a client or a client becoming infected with HIV as a direct result of professional tattooing procedures?***

A No evidence of such an occurrence has been found. However, there have been 2 or 3 cases of HIV transmission in prison settings where no attempt was made to sterilize needles that were re-used on several persons.

Q ***What are the Montana requirements for sterilization?***

A Autoclave sterilization is required for all tattoo facilities to be certified. Some operations use completely disposable single use needles, bars and tubes however. In such a case, an autoclave is not required. Also, it is noteworthy that no tattooist that we have certified is re-using needles. They are relatively inexpensive and new, sharp needles are easier to work with and cause less irritation and pain for the client.

Q ***What is “permanent makeup” and is it regulated in Montana?***

A Having lip rouge or eyeliner applied using tattooing techniques has become more popular in recent years. The intent is that if it is tattooed into the skin, it will not have to be applied in a time consuming way on a daily basis. This is tattooing, under the Montana definition, and shops or persons who do this must be inspected, approved and certified under the Montana standards.

The name permanent make-up is a little misleading however. Like most tattoos, it fades over time and the brightness of the color becomes dull, necessitating re-tattooing or augmenting the tattoos with conventional make-up.

Q ***Is there a way to have a tattoo removed?***

A Yes, but there is no easy or inexpensive way. That is why they call it permanent. There is conventional surgery, in which a section of tattooed skin is simply removed and the surrounding skin stretched in to cover the gap--see your dermatologist. This method is good where the tattoo is relatively small. There is also a laser procedure which produces good results with most pigment colors. We do not recommend the use of bleaching agents or styptics. The long-term effects of these types of procedures are not regarded as proven. Any other methods should be considered only under the advice of your doctor or dermatologist.

Q ***Are there risks of infection or other skin problems from tattooing?***

A Yes. Infections sometimes occur, usually as a result of poor after-care. Your tattooist will explain the best aftercare do's and don'ts. He or she will also give you aftercare instructions in writing. Generally, the most common cause of infections is getting the fresh tattoo wet, or soaked. This allows and encourages bacterial growth and can result in serious infection, especially if the skin area is heavily "worked" or has many perforations as a result of intense needle use. It's best to cover the tattoo when in the shower or when bathing or to avoid high-pressure spray and to pat the tattooed skin dry after showering or bathing. It is also suggested that an anti-bacterial ointment be applied after the area is patted dry.

Psoriasis, eczema or other skin ailments can also be a problem. If you have any skin problem you should consult with a dermatologist before having a tattoo. Also, if you are taking any blood thinning or anti-clotting medications, or have diabetes, breast implants, or allergies, you should consult with your physician before attempting the tattoo.

Some people react to the pigments or to the antibiotic ointment. If any reaction occurs, talk to the tattooist and possibly to your doctor.

Q ***Can I have a tattoo safely if I am pregnant?***

A Yes. The risks of infection and reaction are the same for pregnant women as for those who are not pregnant. However, if a reaction or infection should occur, the consequences could be profound for a pregnant woman and might be misattributed to the tattooing process. Some tattooists are not comfortable tattooing a woman who is pregnant. The same is true of body piercing.

Q ***Where can I get a copy of Montana's Standards for Tattooing?***

A The Montana standards for Tattooing are found in Title 37, Chapter 112, Subchapter 1 of the Administrative Rules of Montana. If you think you may be interested in starting into the business of tattooing in Montana, or if you would like a copy of the rules and related information mailed to you, contact the following:

FOOD & CONSUMER SAFETY, TATTOO PROGRAM
P O BOX 202951
HELENA MT 59620-2951
phone (406) 444-5303
e-mail rpicone@mt.gov

If you are in Billings or Yellowstone County, contact:

YELLOWSTONE CITY/COUNTY HEALTH DEPT
PO BOX 35035
BILLINGS MT 59107
(406) 256-2770 or e-mail them at tedk@ycchd.org

If you are in Hardin or Big Horn County, contact:

BIG HORN COUNTY HEALTH DEPARTMENT

809 N Custer Ave

Hardin, MT 59034

(406) 665-8724 or e-mail them at ctaft@co.bighorn.mt.us